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SUBJECT: 2007 TIP REPORT HANDED OVER

REF: A) STATE 78371
B) HANOI 393
C) HANOI 394
D) HANOI 402

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11. (SBU) Summary: Poloff delivered the Vietnam TIP report country narrative and Ref A talking points to the MFA on June 13. Our interlocutor was pleased that the USG acknowledged the GVN's progress on combating TIP during the reporting period, but disappointed that more details on the GVN's strong commitment in this area were not captured. The MFA official cited GVN efforts and recently passed legislation in the labor trafficking arena, but acknowledged that this is a "growth area" with more room for progress and greater regulation. Although there is a will to draft a new comprehensive law on anti-TIP, at this time there is not a way, as the GVN is heavily focused on numerous legislative and regulatory requirements with regard to WTO compliance, as well as overall economic development. As a result, the National Assembly has shelved this for now. The GVN is in negotiation with the Royal Thai Government on an important anti-TIP MOU, which they hope will be signed later this year. Ratification of the Palermo Protocol is still in the cards. End Summary.

12. (SBU) Poloff delivered Ref A TIP Report Country Narrative for Vietnam and talking points to MFA Consular Department Deputy Director General Truong Xuan Thanh on June 13. Thanh told Poloff that he and members of his staff had already read the Vietnam country narrative and compared it with last year's TIP report. He thanked us for acknowledging Vietnam's progress on anti-trafficking in this year's report, but overall he felt that the USG did not "capture the GVN's total commitment" and all its diverse efforts to combat trafficking and meet the "USG standard." The USG has a "very difficult" standard to meet for a "developing country" still focusing heavily on basic needs and economic development, Thanh averred.

13. (SBU) Poloff explained the legislative background and requirement of the TIP report, and that not all of the GVN's efforts and legislation that we report back to Washington are necessarily captured in the abbreviated country narrative. Rather, the country narrative highlights focus areas with the intention to engender progress and partnership. Thanh noted that part of the reason for discrepancies could also be that the GVN does more to combat trafficking than it publicly acknowledges.

14. (SBU) Thanh stressed, nevertheless, that the GVN is "highly-committed" to combating TIP, labor trafficking and sex tourism, and his office spends a great deal of time solely on these issues. Thanh cited: the GVN's recent "Decision No. 17" on boosting TIP victim assistance; "Decision No. 05/2007" on labor export brokerage fee ceiling rates; the new Export Labor Law; recent steps

to strengthen Vietnam's compliance with the "Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC);" development of a sex-tourism unit within the Ministry of Public Security; and a pending anti-TIP MOU with the Royal Thai Government (RTG) (Note: Thanh thought this MOU, currently under negotiation, could be signed with the RTG by the "end of the summer." End Note.)

15. (SBU) In particular, the MFA is pushing for greater GVN inter-agency cooperation and coordination on combating TIP, and that victim assistance had been one "success area," Thanh continued. Compliance with international law is another focus area. Passage of the new Export Labor Law was not enough, and Thanh admitted that the GVN would need to both strictly enforce the new law and make it even more comprehensive in the future.

16. (SBU) Thanh explained that when Vietnam opened the door to global economic integration and a market economy, labor exploitation was one of the results. Although South Korea, Japan, the Middle East and Malaysia have a "great demand" for foreign workers, Vietnamese labor exports are still relatively small and do not attract enough government attention. Furthermore, Vietnamese workers still "lack many of the skills" for the often high-tech requirements in these labor markets. Nonetheless, this is a growing issue, and Thanh noted recent demand for foreign workers in Africa's agriculture sector. The GVN's methodology in the labor export arena should be to: establish a detailed labor export regulatory system; sign bilateral labor agreements with destination countries; and, focus on training in skill gaps, capacity and required foreign languages, especially English, Thanh explained.

17. (SBU) On the subject of international marriage brokering, the GVN acknowledges that this is a dilemma due to the economic circumstances of many young Vietnamese women in rural areas and the family pressure to "marry a foreigner to be able to send money home." Many young women, in rural Vietnam especially, "dream" of being able to help their families in this way. Some of the problems

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with regard to marriage deception and entrapment also relate to a loose regulation of the brokering industry and the fact that Vietnamese women only have to get permission from local authorities to marry abroad and get a marriage certificate. There is "no national component." The GVN could better address this area by focusing, once again, on establishing policies and procedures in close cooperation with destination countries, such as Taiwan and South Korea, Thanh said.

18. (SBU) In response to PolOff's question, Thanh said that there are GVN immigration regulations and policy procedures in place to avoid situations of "statelessness" for those Vietnamese women and their children who return home after a failed marriage or widowhood (but before they were able to acquire their husband's citizenship). They can regain their Vietnamese citizenship and legal rights, Thanh stated. (Note: Contrary to Thanh's assertion, there are in fact many women and children who face this very situation. End Note.)

19. (SBU) Poloff asked about the current debate within the GVN on drafting a new comprehensive anti-trafficking law for Vietnam and GVN ratification of the UNTOC and its Anti-TIP Supplemental Protocol. Thanh said that there is a will to pass a comprehensive anti-TIP law, but that the GVN is currently overwhelmed with more pressing priorities, especially development of a regulatory environment to comply with its new membership in the WTO. So this has been "shelved by the National Assembly" for now. With regard to ratification of the UNTOC and Palermo Protocol, Thanh sees this happening within the next year.

110. (SBU) In conclusion, Thanh stated that the MFA believes the State Department's annual TIP report is "very useful." He would like to expand the flow of "accurate and updated" information between Embassy Hanoi and the MFA on TIP and would welcome further information on USG strategies for combating labor trafficking and regulating labor exports.

MARINE